

EXHIBIT GC049

CAUSE NO. 22-CV-0675

SALT & PEPPER RESTAURANTS, INC.,	§	IN THE DISTRICT COURT
Plaintiff	§	
	§	
v.	§	GALVESTON COUNTY, TEXAS
	§	
TIGHT ENDS SPORTS BAR & GRILL, LLC	§	
and TIMOTHY DUNGAN,	§	
Defendants	§	56th JUDICIAL DISTRICT

DEFENDANTS' RESPONSES TO PLAINTIFF'S OBJECTIONS TO EVIDENCE

Defendants Timothy Dungan and Tight Ends Sports Bar & Grill, LLC file this response to the evidence objections made by Plaintiff.

RESPONSE

1. Plaintiff's pleading states that it "files these Objections to the evidence proffered by Defendants Tight Ends Sports Bar & Grill, LLC and Timothy Dungan ("Defendants") in support of their Motion to Dissolve the Court's Writ of Garnishment (the "Motion").

2. A motion to dissolve a writ of garnishment under Tex. R. Civ. P. 664a is commenced by the filing of a motion by the defendant accompanied by a declaration.

3. The court's determination may be made upon the basis of sworn statements, if not challenged, setting forth such facts as would be admissible in evidence; otherwise, the parties must submit evidence. *Id.*

4. Plaintiff has objected to sworn statements made by Dungan in his declaration that the Defendants have sufficient non-exempts in Texas to pay the judgment; however, Defendants were not obligated to produce evidence of such assets with their motion and declaration.

5. Plaintiff's objection does not even challenge Defendants declaration that Defendants have sufficient assets in Texas as provided in Rule 664a, and therefore the objection

to admissibility of evidence is not ripe and the Court should grant the motion to dissolve for that reason alone.

6. Regardless, Defendants have filed a business record affidavit and statement of account subsequent to the filing of their motion to dissolve the writ as admissible evidence in compliance with Tex. R. Civ. P. Rule 664a and this Court's order concerning the submission of this matter by July 28, 2022 at 4:00 p.m.

PRAYER

7. Defendants ask that Plaintiff's objections concerning "evidence proffered... in support of [Defendants] motion" be overruled.

Respectfully submitted,

John Henry & Associates, PLLC

/s/ John P. Henry

John P. Henry

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was served in accordance with the Texas Rules of Civil Procedure on the parties listed below on this 28th day of July, 2022.

/s/ John P. Henry
John P. Henry

Preston Kamin
Gray Reed
1300 Post Oak Blvd., Suite 2000
Houston, Texas 77056
ATTORNEYS FOR PLAINTIFF
VIA ELECTRONIC SERVICE and
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Automated Certificate of eService

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John Henry on behalf of John Henry

Bar No. 24055655

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Envelope ID: 66784643

Status as of 7/29/2022 8:43 AM CST

Associated Case Party: Salt & Pepper Restaurants, Inc.

Name	BarNumber	Email	TimestampSubmitted	Status
Preston TKamin		pkamin@grayreed.com	7/28/2022 9:08:26 PM	SENT
Tyler J.McGuire		tmcguire@grayreed.com	7/28/2022 9:08:26 PM	SENT

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John Henry on behalf of John Henry

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Status as of 7/29/2022 8:43 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Jackie Kish		jkish@grayreed.com	7/28/2022 9:08:26 PM	SENT

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John Henry on behalf of John Henry

Bar No. 24055655

jhenry@jhenrylaw.com

Envelope ID: 66784643

Status as of 7/29/2022 8:43 AM CST

Associated Case Party: Tight Ends Sports Bar & Grill, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
John Henry		jhenry@jhenrylaw.com	7/28/2022 9:08:26 PM	SENT